

CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING JUNE 27, 2012

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on June 27, 2012, at **7:30 P.M.**

***PLEASE NOTE THAT THE COUNCIL MEETING WILL
NOT CONVENE UNTIL 7:30 P.M. ***

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING:** Recommended FY13 Proposed Budget (continued from June 13, 2012)
 - a. Communication from the Newport School Committee, re: Updated FY13 Budget Request
 - b. Revisions to Proposed Budget, dated 6/20/2012
 - c. Ordinance Appropriating Revenues (Second Reading)
 - Revised Ordinance reflecting 6/20/2012 revisions
 - d. Ordinance Amending Title 3, Personnel (Second Reading)

It is the practice of the Council to meet at 7:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- e. Resolution, re: Omnibus Property Tax Relief & Replacement Act
- f. Resolution, re: Authorizing Tax Levy

2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- a. Minutes of the May 23, 2012, council meeting (Approve)
- b. Special Event Licenses:
 - 1) Newport Art Museum, d/b/a Centennial Gala; Newport Art Museum, 76 Bellevue Ave., July 7, 2012, from 6:30 p.m. to Midnight.
 - 2) Sail Newport, Inc., d/b/a The Newport Regatta; Mule Barn at Fort Adams State Park, July 13 and 15, 2012, from 4:00 p.m. to 7:00 p.m., and July 14, 2012, from 4:00 p.m. to 9:00 p.m.
 - 3) Island Moving Company, d/b/a Island Moving Co. Gala; International Yacht Restoration School (IYRS), 449 Thames St., July 13, 2012, from 6:30 p.m. to Midnight.
 - 4) Island Moving Company, d/b/a Great Friends Dance Festival; Great Friends Meeting House, 30 Farewell St., July 14-15 and July 17-22, 2012, from 7:30 p.m. to 9:00 p.m.
 - 5) Fort Adams Trust, d/b/a Civil War Reenactment Weekend; Fort Adams State Park, July 14, 2012, from 10:00 a.m. to 5:00 p.m. and July 15, 2012, from 10:00 a.m. to 2:00 p.m.
 - 6) Rhode Island Arts Foundation at Newport, Inc., d/b/a Newport Music Festival:
 - ♪ The Breakers, 44 Ochre Point Ave.: July 13, 14, 17, 19, 20, 21, 26 and 27, 2012, from 9:00 p.m. to 11:00 p.m.; July 17, from 7:00 p.m. to 8:00 p.m.; July 15, 16, 18, 22 and 29, from 8:00 p.m. to 10:00 p.m.; and July 28, from 7:30 p.m. to 11:00 pm.
 - ♪ The Elms, 367 Bellevue Ave.; July 16, 17, 18, 19 and 26, 2012, from 11:00 a.m. to 1:00 p.m.

- ♪ The Elms Tent, 367 Bellevue Ave.; July 13, 14, 15, 20, 21, 22, 27, 28 and 29, 2012, from 11:00 a.m. to 1:00 p.m.
 - ♪ Cross Point Church, 14 Rhode Island Ave.; July 20, 27 and 28, 2012, from 2:00 p.m. to 4:00 p.m. and 5:00 p.m. to 7:00 p.m.; July 26 and 29, 2012, from 4:00 p.m. to 6:00 p.m.
 - ♪ Newport Art Museum, 76 Bellevue Ave.; July 13, 15 and 16, 2012, from 4:00 p.m. to 6:00 p.m.; July 14 and 17, 2012, from 2:00 p.m. to 4:00 p.m., and July 14, 2012, from 5:00 p.m. to 7:00 p.m.
 - ♪ St. John the Evangelist Church, 59 Washington St.; July 23, 24 and 25, 2012, from 11:00 p.m. to Midnight.
- 7) Japan-America Society of RI, d/b/a Black Ships Festival; Touro Park, Bellevue Ave., July 20, 2012, from 10:30 a.m. to 12:30 p.m. (opening) and July 21, 2012, from 10:00 a.m. to 4:00 p.m. (arts and crafts, martial arts, kite-making).
 - 8) Japan-America Society of RI, d/b/a Sister City Gala; Rosecliff, July 20, 2012, from 6:30 p.m. to 11:00 p.m.
 - 9) Japan-America Society of RI, d/b/a Black Ships Festival – Japanese Taiko Drummers; Cardine’s Field, July 22, 2012, from Noon to 1:30 p.m.
 - 10) Newport Dinner Train, d/b/a Day Out with Thomas; 19 America’s Cup Ave. , Aug. 30 and 31 and Sept. 1 and 2, 2012, from 9:00 a.m. to 5:00 p.m.
 - 11) Morgan ¾ Group, Ltd., d/b/a Morgan Car Owners Event (Low Speed Driver Safety Program); Easton’s Beach Parking Lot, Sept. 28, 2012, from 7:00 a.m. to 4:00 p.m.
- c. Annual Catering License, New, @ The Deck, Inc., d/b/a @ The Deck, 1 Waite’s Wharf.
 - d. Drain Layer License, Renewals:

- 1) DiGregorio Corporation (d/b/a same), 23 Business Park Drive, Smithfield, RI
 - 2) East Coast Construction and Landscaping, Inc., d/b/a East Coast Construction, 202 Chase Road, Portsmouth, RI
 - 3) Narragansett Improvement Co., d/b/a same, 223 Allens Ave., Providence RI
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- e. Entertainment License, Class A (indoors), Annual Renewal, Thames Street International Yacht & Athletic Club (d/b/a same), 536 Thames St.
 - f. Holiday Selling License, New, Star Anise Ventures, Inc., d/b/a The Spice & Tea Exchange of Newport, 198 Thames St., #2N
 - g. Communication from Kathy Pratt of Star Kids Scholarship Program requesting permission for a bike ride fundraiser (route attached) on Saturday, Sept. 15, 2012, from 9:00 a.m. to Noon (Approve subject to details being worked out with the City Administration.)
 - h. Resignation of Nancy C. Cardoza from the Board of Tax Appeals (Receive with regret)

LICENSES & PERMITS

3. Application of J.A.M. Construction Company, Inc., d/b/a same, 1700 West Main Road, Middletown, RI (Continued from June 13, 2012)
4. Application for a Victualing License, New, MaryLou's News, Inc., d/b/a MaryLou's Coffee, 136-138 Connell Highway (inside Shell Service Station)
5. Application for a Victualing License, New, Raw Power Juice Bar, LLC, d/b/a Raw Power Juice Bar, 266 Bellevue Ave.

COMMUNICATIONS & PETITIONS

6. Communication from Richard M. McAuliffe, Jr., Chairman, Ocean State Tall Ships, re: update on the Tall Ships activities from July 6 to 9, 2012.
7. Communication from Tami Abruzese, Managing Partner, Harbour Realty, LLC, asking to amend the Special Event License (in conjunction with Ocean State Tall Ships), granted on June 13, 2012, to @ The Deck, Inc., for entertainment on July

6, 7 and 8, 2012, from 10:00 a.m. to 5:00 p.m., to allow entertainment on the grassed area in front of The Boat Dockside rather than inside @ The Deck.

8. Communication from James P. Madden, President, Griswold's, Inc., d/b/a Griswold's Tavern, 103 Bellevue Ave., requesting permission to have flower pots on either side of the entrance door to the restaurant.
9. Communication from Victoria Mele, 42 Ledge Road, asking permission to close Ledge Road, from #38 to the end of the property at #44, on Saturday, July 7, 2012, from 4:00 p.m. to 1:00 a.m. to allow parking for a private party.
10. Council Liaison Updates

11. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Critical Area Review Committee – Applicant: Tanya Kelley

Note: Vacancies currently or soon will, exist on the following boards and commissions: Affirmative Action Commission, Building Code Board of Appeals, Historic District Commission, Newport Juvenile Hearing Board, North End Planning Commission, Sustainable RI Communities Representatives, Board of Tax Appeals, Washington Square Advisory Commission, and the Zoning Board of Review. Interested residents can obtain applications on the City's web page or by contacting the Mayor's Office.

RESOLUTIONS

12. Commending City Department Directors and the contractors who performed recent roadway improvements. – J. Napolitano, C. Duncan, J. McLaughlin

COMMUNICATIONS FROM THE CITY MANAGER

13. Action #5006/12, re: Contract for Assessor Services - REVISED (with accompanying resolution; continued from June 13, 2012)
14. Action #5016/12, re: Newport Substance Abuse Prevention Task Force (NSAPTF) -- Renewal of Contract For Services with the NSAPTF Coordinator (with accompanying resolution)

**RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE
COMMISSIONERS**

BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

Class F-1 Daily Liquor Licenses:

- a) Sail Newport, Inc., d/b/a The Newport Regatta/Social Event, the Mule Barn at Fort Adams State Park, July 13, 14 and 15, 2012.
- b) Rhode Island Arts Foundation at Newport, Inc., d/b/a Newport Music Festival (during concert intermissions):
 - ♪ The Breakers, 44 Ochre Point Ave.: July 13 - 22 and July 26-29, 2012
 - ♪ The Elms, 367 Bellevue Ave., July 16 – 19 and July 26, 2012
 - ♪ The Elms Tent, 367 Bellevue Ave., July 13 – 15; July 20 – 22; and July 27 – 29, 2012
 - ♪ Casino Theater, 9 Freebody St., July 23 - 25, 2012
 - ♪ Newport Art Museum, 76 Bellevue Ave., July 13-17, 2012

ADJOURN as Board of License Commissioners and reconvene as Council, and based upon a majority vote of the members present, move to Executive Session in the Conference Room, pursuant to Rhode Island General Laws, Section 42-46-1, as amended, and in accordance with Section 42-46-5, Purposes for Which Meeting May be Closed, “(a) (2) Sessions pertaining to collective bargaining or litigation...” to discuss pending litigation relative to the Ann Street Extension Project.

Kathleen M. Silvia
City Clerk

June 20, 2012

Quick References:

d/b/a = “doing business as” (fictitious name)

LLC = Limited Liability Corporation

Class F-1 Daily liquor License: holder may sell all alcoholic beverages; issued only to state non-business corporation, religious organizations and political organizations.

Liquor Licenses issued locally (Full definitions provided in the RI General Laws, Chapter 3-7)

Class F – Daily liquor license, holder is limited to sale of beer and wine; issued only to religious organizations, state non-business corporations and political organizations.

Class F-1 Daily liquor License, holder may sell all alcoholic beverages; issued only to religious organizations, state non-business corporations and political organizations.

Class A – package store

Class BH – Allows for mini bars in hotel and guest house rooms; allows for the sale and service of bottles of alcohol to registered guests in their hotel/guest house rooms.

Class BL – allows sale of only beer and wine in restaurants (“victualing houses”)

Class BT – allows for sale of all alcoholic beverages in hotels (defined in State Law as “tavern keeper” and must provide overnight accommodations).

Class BV -- allows sale of all alcoholic beverages in restaurants (“victualing houses”)

Class C – Saloon License; in Newport the one Class C License has basically the properties of Class BV; however, it must close at Midnight.

Class D – Private Club; alcoholic beverages may be consumed only by members and their guests.

Class J – Convention Hall License; holder may sell all alcoholic beverages; licensee must be able to accommodate five hundred or more persons at tables at one time.

Class K—Ancient Tavern License – issued to the owner of any building which has had a public and continuous use and license as a tavern for 10 years or more prior to 1730; basically has the same privileges of a Class BV restaurant.

State-issued Liquor Licenses (with uses in Newport)

Class G -- for passenger-carrying marine vessels and trains; sale of alcoholic beverages on marine vessels while at dock for one-half hour before scheduled departure time, up to departure, must be approved by Council.

Class P – authorizes caterers, who must be licensed by the RI Health Dept., to furnish and sell alcoholic beverages at events to which they are catering food. Caterer must purchase the alcohol at a Class A package store.